

E-filing

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

Name Horne Joseph D.
 (Last) (First) (Initial)

Prisoner Number V-84328

Institutional Address K.V.S.P. (Kern Valley State Prison)
222500.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Joseph Horne
 (Enter the full name of plaintiff in this action.)

vs.

J.C. Rutledge J.C. (c/o)C.R. Thompson (c/o)Warden Horne

R. Navarro (Sgt.)
 (Enter the full name of the defendant(s) in this action)

CV 08

1387

Case No. _____
 (To be provided by the clerk of court)

COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 42 U.S.C §§ 1983

SBA

(PR)

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies

[**Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement K.V.S.P. (C.S.C.)

B. Is there a grievance procedure in this institution?

YES (✓) NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (✓) NO ()

D. If your answer is YES, list the appeal number and the date and result of the

1 appeal at each level of review. If you did not pursue a certain level of appeal,
2 explain why.

3 1. Informal appeal Bygassed.

4
5
6 2. First formal level Bygassed

7
8
9 3. Second formal level Denied (8-22-07)
10 Given to inmate 9-6-07

11 4 Third formal level Did-Denied (Jan. 31st 2008)

12
13
14
15 E. Is the last level to which you appealed the highest level of appeal available to
16 you?

17 YES (✓) NO ()

18 F. If you did not present your claim for review through the grievance procedure,
19 explain why.

20
21
22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,
24 if any.

25 Joseph Horne V-84328 (K.V.S.R. 8-8/215)

26 P.O. Box-5102

27 Delano CA 93216

28 B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

C/O J.C. Rutledge Officer of P.B.S.V.

C/O Thompson, C.R. Officer of P.B.S.V.

Sgt. Navarro, R. Officer of P.B.S.V.

Warden R. Hovel Officer of P.B.S.V.

III.

Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

on the date of June 8th 2007 I was attacked
and assaulted physically by P.B.S.V. correction-
al officers J.C. Rutledge and C.R. Thompson
using institutional weapons to inflict p-
ain upon me. Due to such attack my 8th
Amendment U.S. Constitutional Right was
violated. I was definitely subjected to
cruel and uns-usual punishment. I
endured physical pain on my back and face.
and mental distress due to the attack.

Officer J.C. Rutledge used his inst-
itutional supplied O.C. (oleoresin capsiuin)
(see attached page).

IV. Relief


Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

I request \$50,000 compensation for my pain
and suffering and for punitive damages.

1 I want the officers involved to be
2 held accountable for assaulting me.
3 and for subjecting me to cruel and
4 unusual punishment. I want to be
5 paid \$50,000 for what those P.B.S.P.
6 officers did to me.

7 I declare under penalty of perjury that the foregoing is true and correct.

8
9 Signed this 2/6/08 day of 2/6/08, 2008

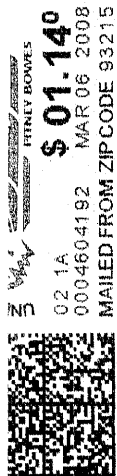
10
11 
12 (Plaintiff's signature)

1 to assault me after we had words
2 and he threatened to assault me with
3 his o.c. although I posed absolutely no
4 threat to him, the institution, nor to
5 myself.

6 After C/O Rutledge assaulted me, C/O
7 Thompson came immediately after him
8 and assaulted me with his high powered
9 institutional o.c. spray. Each officer ass-
10 uled me 2 times. During the attack
11 o.c. spray covered my front body
12 and my back including the back of my
13 head.

14 At the time of the attack and said
15 assault I was locked in my cell. The C/O's
16 sprayed the o.c. thru the face of the door
17 as I stood at the door using a state
18 issue blanket holding it up to lessen
19 the assault.

20 Sergeant Navarro was not present
21 during the time his C/O's was out of
22 control and displaying unusual behavior
23 but it happen under his watch hours.
24 Thus, he's responsible for there conduct.
25 His officer violated even institutional
26 policy. Warden Hazel is head of the
27 institution and thus responsible for the
28 assault that occurred there.



RECEIVED
MAR 10 2008
RICHARD W. MCKENNA
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Joseph Horne
V-84328 HOUSING: B-8/118

BAY STATE PRISON
7500
F OXY CA 95332

S. P. S.

To: Office of the clerk
president court of California
1301 - Claret St. Suite 400S
Oakland, CA 94612-5212

EGAL MAIL